

1019-1002



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:
Fultheim, Shai

Application No.: 10/828,465

Filed: 04/21/04

Art Unit: 2128

For: Cluster Based Operating
System-Agnostic Virtual
Computing System

Examiner: David Silver

DECLARATION UNDER 37 CFR 1.132

I, the undersigned, Boaz Yehuda, hereby declare as follows:

5

1) I am making this Declaration in support of the patentability of the claims in U.S. Patent Application 10/828,465 (referred to hereinafter as "the Application"). Specifically, this Declaration will set forth my opinion, based on my own first-hand experience, that the invention defined by the claims in the Application and embodied in the vSMP product sold by ScaleMP (the assignee of the Application), answers a real market need that could not be satisfied by prior art solutions.

10

15

2) I am not an employee of ScaleMP and have no economic interest in the company. I have not received compensation for my services in preparing this Declaration.

20

3) I have worked in the computer industry for 23 years, specializing in sales and service of server systems. For six years I worked for Sun Microsystems as Sun Israel Country Manager, leading its business and sales in Israel. During this period, I

became familiar with ScaleMP. My detailed *curriculum vitae* is attached hereto as Exhibit A.

4) Prior to ScaleMP, all the multi-processor servers
5 (consisting of more than one physical processor) I had seen were made with custom electronics, either on a single proprietary PCB board (motherboard) or with special proprietary interconnects between such custom motherboards. Although these systems were capable of providing high computing power - greater than commodity
10 PC computers/servers - their high cost made them impractical for all but the most high-end applications.

5) I was initially skeptical when I first heard about ScaleMP's vSMP technology. I had never before seen or heard of a
15 solution in which commodity servers and commodity interconnects could be used to create multi-processor servers via use of software - be it virtual machine-type software or any other class. Although such a solution would have helped us in serving end-user needs in high-power computing applications, the idea itself struck
20 me as a nearly impossible goal to achieve for software technology. I was therefore favorably surprised when I first saw vSMP working.

6) In my experience, vSMP technology has succeeded in meeting the long-felt need in the IT market for high-power, low-cost
25 multiprocessor systems. The technology is not only novel, but is also highly attractive for end-users and system manufacturers in the IT market:

- It reduces time to market for superior commodity processor technology to find its way into multi-processor servers.

1019-1002

- It dramatically lowers the costs of designing, creating, procuring, and deploying multi-processor servers.
- It enables the use of existing software assets, without requiring intrusive changes such as recompilation and operating system modifications.

5

7) I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and conjecture are thought to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application of any patent issued thereon.

10

15

Boaz Yehuda

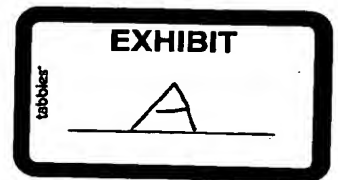
20

Boaz Yehuda, Citizen of Israel
16 Jerusalem Street, Kfar Saba, Israel

Date: 17/10/09

Boaz Yehuda
16 Jerusalem st.
Kfar Saba
Israel

Tel . (home): +972-9-7673868
Tel. Mobile: +972-54-617778



CURRICULUM VITA

Professional Profile:

Top experience of 20 plus years in management sales, marketing and service in the Computers and Storage industry.
Interpersonal and team leadership abilities.
Negotiation experience.
Strong Presentation skills.
Record of achievements in penetrating new markets.
Record achievements in general management
Proven record of working with complex accounts.
Good understanding of the Israeli market.
International sales management experience.
Well recognized and established relationships in Israeli IT industry.
Well recognized for managing complex operations.

Professional Experience:

2009- To date BizMe2: Chairman

BizMe2 is One Stop shop that gather all the information and recommendations about convention and tradeshow that occur all over the world, it offers its social internet network platform for visitors that want to meet other colleagues with the same interest, it helps them to schedule appointments and enlarge their business opportunity. Moreover it is centralizing all the booking services such as (flight tickets, hotels, transportation, and tradeshow registration) at one place.

2008- To date Liyha B.A Business development: CEO

Liyha has two business strictures:

- a. Working with Israeli companies helping them establish international presence through a network of partners.
- b. Development of web software as service for physiotherapists

2002- 2008

Sun Microsystems: Sun Israel General Manager

Responsible for managing Sun Microsystems activities in Israel. With more than 150 employees in Israel, divided for development center, sales and services, was responsible for development of the new software product penetration strategy, which resulted winning 100% of the ISP market. During that period was responsible for

doubling the high-end server install base and renewing major OEM contracts through deeper penetration to those customers. Deployed complex organizational changes that allowed Sun Israel to align with the new corporate strategy. During that period Sun Israel was outstanding for its innovation, tools and new process that led to major growth in profitability(more than doubling the contribution) and revenue (doubling the revenue). Sun Israel under my leadership won it's largest ever deals.

1999-2002

Sun Microsystems: Product Sales and Marketing Manager Mediterranean Region

Responsible for building and managing the product sales and marketing team.

Responsible for the product sales strategies and deep involvement in all major deals and product events in the region.

Responsible for product training in the region.

Responsible for product marketing communications in the region.

Managing successfully several major crises in the region. For example: Solving the Partner Orange crises that generated over \$3M sales with high end servers and services for Sun Israel during FY02.

Developing the Joint Account Team methodology for account management. Method used by Sun Israel and Sun Turkey to manage their most important accounts.

1998-1999

Sun Microsystems: Storage Business Development Manager Mediterranean Region.

Responsible for driving storage sales and strategies in the region. During that period, storage sales in the region had more than doubled, surpassing the sales goals by 80%. Attach rate was close to 30%.

Was rewarded for the best product sales driver in SEAME for FY99.

1996-1998:

EMC Israel: Open Systems Sales Manager

Responsible for sales, strategies, partners and channels for Open Systems in EMC Israel. During that time EMC increased sales in the open systems market from \$100K to \$4M. Successfully penetrated many large accounts like IAI, Paz, Partner-Orange and other telecommunications operators. Personally developed the application based sales approach in EMC Israel, winning most of ERP and Data-warehouse sales bids.

1995 - 1996:

E&M Computing Ltd: Vertical Sales Manager

Managing a group of sales persons responsible for various sectors of the Israeli market including defense, utilities and other scientific and technical areas at E&M computing LTD., sole distributor of SUN Microsystems in Israel at that time.

- 1992 - 1995:** **E&M Computing Ltd.: Sales Engineer**
Full time Sales Engineer to various sectors in the Israeli market. In 1995, named distinguished sales engineer of SUN for the whole Mediterranean region. Responsible for more than 95% of Sun server sales in region during that period.
- 1989 - 1992:** **E&M Computing Ltd.: Maintenance Associate Engineer**
While studying at the Technion, Israel Institute of Technology in Haifa, Responsible for service of SUN computers in northern Israel. During the summer vacations, managed the central maintenance lab at E&M Computing.
- 1986 - 1989:** **E&M Computing Ltd.: Maintenance Associate Engineer .**
Responsible for service of SUN workstations and servers. Responsible for developing a hardware maintenance section at E&M Computing Ltd.

Education:

- 1988 - 1992:** **B.Sc., Technion, Israel Institute of Technology, Haifa.**
Electrical & Electronics Engineering
- 1985 - 1987:** **Tel Aviv University school for Associate Engineering.**
Associate Electronics Engineer (with distinction).

Military Service:

- 1981 - 1985:** Military service that included variety of professional people
command rules. Work that consisted multitasking and crucial
decision making under time pressure.
The last year of service served as instructor and a course
commander.

- Languages:** Excellent Hebrew, excellent English and good Arabic.